IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 11066 of 2005(P)

PETITIONER:

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1. ASSOCIATION OF ADMINISTRATIVE STAFF OF KELTRON, REP. BY ITS PRESIDENT M.JALALULLAH KHAN, SENIOR SECTION ASSISTANT, KELTRON COMPONENT COMPLEX LTD., KELTRON NAGAR, KALLIASSERY P.O., KANNUR DISTRICT.

2. K.P.RAJEEVAN, SENIOR SECTION ASST., K.C.C. LTD., SECRETARY, ASSOCIATION OF ADMINISTRATIVE STAFF OF KELTRON, KELTRON NAGAR, KALLIASSERRY P.O.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

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1. KERALA STATE ELECTRONIC DEVELOPMENT CORPORATION, REP. BY ITS MANAGING DIRECTOR, KELTRON HOUSE VELLAYAMABALAM, THIRUVANANTHAPURAM.

2. KELTRON COMPONENT COMPLEX LTD., REP. BY ITS MANAGING DIRECTOR IN CHARGE, KELTRON NAGAR, KALLIASSERY P.O., KANNUR.

3. KELTRON CRYSTALS LTD., REP. BY ITS CHIEF EXECUTIVE, DO.

4. KELTRON REGKISTRAR LTD., REP. BY ITS CHIEF EXECUTIVE DO.DO.

5. KELTRON MAGNATICS LTD., REP. BY ITS CHIEF EXECUTIVE DO.DO.

6. LABOUR COMMISSIONER, GOVT. OF KERALA, HOUSING BOARD BUILDING, THIRUVANANTHAPURAM.

7. DISTRICT LABOUR OFFICER, KANNUR.

8. SECRETARY, KELTRON EMPLOYES UNION(INTUC) KELTRON NAGAR, KALLIASSERY P.O., KANNUR-670 562.

9. SECRETARY, KELTRON EMPLOYEES
ASSOCIATION (CITU), KELTRON NAGAR,
KALLIASSERY P.O., KANNUR-62.

10. SECRETARY, KELTRON EMPLOYES ORGANISATION
KELTRON NAGAR, KALLIASSERY P.O., KANNUR-62.

BY ADV. SRI.T.P.KELU NAMBIAR (SR.)
SRI.M.GOPIKRISHNAN NAMBIAR
SRI.M.SASINDRAN
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.11066 of 2005

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Dated this the 22nd day of February, 2007.

JUDGMENT

Heard.

2. This writ petition is filed seeking a direction to respondents 2 to 5 to grant recognition to the first petitioner Association at par with respondents 8 to 10 to enable participation in negotiations with the management on behalf of the workman of respondents 2 to 5. As of now, the employers involved in this case are involved in proceedings before the BIFR. The first respondent is the holding company of respondents 2 to 5. The claim raised is essentially one requiring only a referendum to decide the representation. The Labour Commissioner has filed a counter affidavit stating that it has become necessary to elect bargaining agents to the four subsidiary companies by respondents 2 to 5 by secret ballot and that there could be no objections to such course.

In the aforesaid circumstances, this writ petition is disposed of directing that appropriate referendum shall be conducted in accordance with law, without any delay, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

Thottathil B.Radhakrishnan,
Judge.

sl.